

EXHIBIT A

REDACTED VERSION
PROPOSED TO BE
FILED UNDER SEAL

**CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER
MITCHELL SU - June 9, 2022**

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

OPULENT TREASURES, INC.,	CIVIL ACTION NO.
Plaintiff,	2:22-cv-02616-SVW-JC
vs.	
YA YA CREATIONS, INC.,	
Defendants.	

REMOTE 30 (B) (6) DEPOSITION OF YAYA CREATIONS, INC. BY
AND THROUGH MITCHELL SU
THURSDAY, JUNE 9, 2022, 10:03 A.M.

(THIS TRANSCRIPT IS DESIGNATED AS CONFIDENTIAL PURSUANT
TO THE PROTECTIVE ORDER)

Reported remotely by Harry Alan Palter, California
CSR No. 7708, a Certified Stenographic Reporter

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1 question regarding how Ya Ya is compensating its
2 lawyers?

3 A Yes.

4 Q How long Ya Ya has been in existence?

5 A Since we've changed to "Inc." That was
6 back in approximately 2006.

7 Q So Ya Ya Creations, Inc., was formed
8 sometime in 2006?

9 A Yes.

10 Q And before 2006, was there another entity
11 that you owned?

12 A Yes. It was Ya Ya Creations -- I want to
13 say it's "LLC." Yeah. I don't remember the exact,
14 but I think it was "LLC" before that.

15 Q And how long did you have that entity --
16 the LLC?

17 A I don't remember.

18 Q So since at least 2006, it's Ya Ya
19 Creations Inc.; correct?

20 A Yes.

21 Q Who are the owners of Ya Ya Creations,
22 Inc.?

23 A Just Mitchell Su.

24 Q You are 100 percent owner of
25 Ya Ya Crea --

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1 A Yes.

2 MR. KARISH: Let her finish the question.

3 BY MS. BROZYNSKI:

4 Q Is Ya Ya Creations "S" corporation or "C"

5 corporation?

6 A "S" corporation.

7 Q Have you ever signed Nondisclosure

8 Agreement on behalf of your business?

9 A Yes.

10 Q When and where -- under what

11 circumstances?

12 A Oftentimes, we would -- Ah. I think the

13 last time we signed it was back in 2020. It was to

14 review another company's records.

15 Q What company's records?

16 A I -- it's a nondisclosure, so I can't

17 tell you. But it was to -- an M & A transaction.

18 Q Did the M & A transaction ever come --

19 did it ever come to fruition?

20 A No.

21 Q You never acquired that company?

22 A No.

23 Q Was it that you were going to acquire

24 that company, or the company was going to acquire

25 you?

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1 chain.

2 Q Gotcha.

3 A It's not a vendor -- it's how -- yeah.

4 Q In other words, you are sup -- supplying

5 to your trading partner infringing products. That's

6 what you are telling me?

7 MR. KARISH: Objection. Argumentative.

8 Misstates facts not in evidence.

9 THE WITNESS: We are supplying the

10 product. We are not infringing.

11 BY MS. BROZYNSKI:

12 Q You are supplying Accused Products to

13 your trading partners; correct?

14 A We're selling the product through these

15 channels.

16 Q You are selling Accused Products to your

17 trading partners; correct?

18 A These are channels. I mean -- I don't

19 know why it's named "trading partners." It's just a

20 field name. These are just selling -- like,

21 efavormart, it's the website. It's the channel.

22 Q Okay. Because efavormart and ehomemart

23 is your websites, basically; right?

24 A Yes.

25 Q Okay. But Balsa Circle has website you

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1 A Yes.

2 Q And by the way, I never asked you: What
3 is your role -- formal title with Ya Ya Creations?

4 A I guess it's CEO.

5 Q You guess or you are CEO?

6 A I don't know how many roles I hold, but
7 CEO is one of them.

8 Q Do you have any other roles than CEO?

9 A Officially on our HR, I'm named the
10 janitor.

11 Q You -- you -- you clean desks, too?

12 A I clean up every -- I clean up after
13 everyone.

14 Q I'm sorry.

15 Who is Balsa Circle, again?

16 A That's a customer.

17 Q A trading partner?

18 A That's a customer.

19 Q Balsa Circle is listed on Exhibit 16, the
20 very first two entries, under column of "Trading
21 Partner"; is that correct?

22 A That's a channel. That's the channel
23 they are coming in through our system. We just name
24 it "Balsa Circle."

25 Q No. You just named it "Trading

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1 Accused Products; correct?

2 A Related to Accused Products, no.

3 Q Was there any communication with

4 Portofino, Amalfi, City Linens, or Event Décor that

5 you know of about Opulent?

6 A No.

7 Q About Carol Wilson?

8 A No.

9 Q Are you aware that Mr. Karish represents

10 Lamps Plus?

11 A Lamps Plus, yes.

12 Q Did you have any communication with Lamps

13 Plus?

14 A No.

15 Q Who is Ya Ya Logistics, Inc.?

16 A That's our Florida shipping company.

17 Q When was this created?

18 A I don't recall the exact date. Should be

19 after 2017.

20 Q Are you the 100 percent owner of the

21 company?

22 A Yes, I am.

23 Q What websites Ya Ya Creations operates

24 and owns?

25 MR. KARISH: Objection. Form.

1 THE WITNESS: If you could restate your
2 question.
3 Are you talking about Ya Ya Creations or
4 Ya Ya Logistics?
5 BY MS. BROZYNSKI:
6 Q Ya Ya Creations.
7 A Ya Ya Creations. efavormart,
8 tableclothsfactory, silkflowersfactory, ehomemart.
9 Q Does Ya Ya sell Accused Products on all
10 four websites?
11 A I do not recall the exact product
12 listings on ehomemart and silkflowersfactory. It is
13 on tableclothsfactory and efavormart. The other two
14 websites are kind of a trial. So I'm not aware of
15 the exact item listings on there.

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[REDACTED]

20 Q Is -- are items on tableclothsfactory.com
21 cheaper, as a general rule --

22 A No.

23 Q -- than efavormart?

24 A No.

25 Q What websites are owned or operated by

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1 Ya Ya Logistics, Inc.?

2 A Nothing.

3 Q Ya Ya Logistics, Inc., doesn't have a

4 website?

5 A Does not.

6 Q And you said it's a shipping company?

7 A Yes.

8 Q Does it have a warehouse?

9 A Yes.

10 Q How big?

11 A 200,000 square feet.

12 Q Why location in Florida?

13 A Operationally, it makes sense.

14 Q How so?

15 A California and Florida -- east and west.

16 Q So you basically cover all -- all markets

17 that's -- that's the goal?

18 MR. KARISH: Objection. Form.

19 THE WITNESS: The goal is to ship the

20 order faster to the customer.

21 BY MS. BROZYNSKI:

22 Q The shipments that come from H.K. Jayden

23 and Win Best from Asia, where do they go?

24 A They can go to either warehouse.

25 Q So Ya Ya Creations also have -- also has

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1 a warehouse?

2 A Ya Ya Creations owns all the inventory
3 and uses the Ya Ya logistics warehouse. The whole
4 inventory.

5 Q But Ya Ya Creations have a warehouse?

6 A Ya Ya Creations has a warehouse, yes.

7 Q Where?

8 A California, City of Industry.

9 Q How big is the warehouse?

10 A 120,000 square feet.

11 Q 120,000?

12 A Yes.

[illegible]

22 Q Who is physically in Florida when you are
23 not in California?

24 MR. KARISH: Objection. Form.

25 THE WITNESS: Typically in California --

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[illegible]

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■ ■ ■

2 Q What's the percentage of products --

3 Accused Products shipped to the warehouse in

4 California versus warehouse in Florida?

5 A Again, I -- there's no way for me to give

6 you that. This is a history of all five years?

7 Q You don't know?

8 A I don't know.

9 Q Do you know of any instances of consumers

10 being confused as to the source of Accused Products?

11 A No.

12 Q Are you aware of any correspondence from

13 consumers being confused about the source of the

14 Accused Products?

15 A No.

16 Q In your organization, who would be on the

17 receiving end of these complaints, if they ever

18 came?

19 A Our customer service department.

20 Q And what does that customer service

21 department consist of, and who is at the top of that

22 department?

23 MR. KARISH: Objection. Form.

24 THE WITNESS: It could be consisting of

25 customer service reps, and it would be under a

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1 CERTIFIED SHORTHAND REPORTER'S CERTIFICATE

2

3 I, Harry A. Palter, CSR No. 7708, Certified
4 Shorthand Reporter for the State of California, do
5 hereby certify: That prior to being examined, the
6 witness in the foregoing deposition, Mitchell Su, was
7 duly sworn to testify the truth, the whole truth, and
8 nothing but the truth; that said deposition was taken
9 down by me stenographically and remotely in a readable
10 format at the time and place therein named; and that the
11 same is a true, correct, and complete transcript of said
12 deposition.

13 Before completion of the deposition, review
14 of the transcript [] was [X] was not requested. If
15 requested, any changes made by the deponent (and
16 provided to the reporter) during the period allowed, are
17 appended hereto.

18 I further certify that I am not interested in
19 the outcome of the action. In witness whereof, I have
20 hereunto subscribed my name.

21 Dated: 15th day of June, 2022

22

23

24



25 HARRY ALAN PALTER, CSR No. 7708